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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,854	09/26/2001	Gary F. Hirsch	GH 2	1600

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EXAMINER
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STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/963,854

**Applicant(s)**

HIRSCH ET AL.

**Examiner**

FRANKIE L. STINSON

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6 and 16-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 16-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 16-24, 26-28 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al. (U. S. Pat. No. 5,989,296) in view of either Weber (U. S. Pat. No. 5,285,544 or Chaikin et al. (U. S. Pat. No. 3,681,951).

Re claims 6, 16, 25 and 30, Patton is cited disclosing a trench apparatus for liquid treatment (e.g. bleaching dyed denim, see col. 4, lines 7-19 and col. 5, lines 43) of fabric comprising a trench (102), a pull chain/rope (114) having a plurality of shackles (115) attached thereto, for securing one or more bags (116), the chain/rope being positioned for pulling the bags containing dyed fabric in a longitudinal direction of the trench whereby the longitudinal movement of the bags causes liquid to flow in a direction counter to the movement of the bags with the chain engaging a pulley (112, 118), and an untreated platform (106) adjacent one end of the trench and a treated platform (104) adjacent the other end of the trench wherein the trench has a liquid treatment zone (see figs. 7 and 9) that differs from the claim only in the specific recitation of the "bags being dimensioned when full to block the liquid flow down the trench" and the pump and conduit for circulating liquid from the inlet to the outlet. In regard to the dimension of the bags, Patton discloses that the "bags act as a plug, forcing the liquid to flow through the contents of each bag as the bag is drawn through the trench". Thusly, it is deemed to be inherent that the bag is dimensioned, when full,

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to block the flow of liquid down the trench as instantly claimed. As for the pump and conduit whereby fluid is circulated from the inlet end to the outlet end (i.e. countercurrent to the direction of travel of the fabric material), Weber and Chaikin are each cited disclosing in a textile bleaching apparatus, (see Weber col. 1, lines 1-14 and see Chaikin col. 1, lines 1-11) a pump and conduit system (26 in Weber, not shown in Chaikin but see col. 4, lines 37-45), where there is provided a conduit and pump which provides a flow of treatment liquid from the inlet end to the outlet end (see Weber col. 3, lines 33-50 and see Chaikin col. 4, lines 37-45; i.e. in a direction countercurrent to the travel of the fabric). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Patton, to include a pump as taught by either Weber or Chaikin for the purpose of positively transferring the liquid. In view of the fact that Patton clearly desires to have the fluid have the flow in a countercurrent relationship to the traveling fabric (see col. 7, lines 40-50) there must be means to circulate the fluid, it does not naturally occur. Patton suggest that each vat "can be level or sloped slightly upward in the direction of bag movement to facilitate liquid flow in the countercurrent direction however the fluid must be fed to the inlet pipe (117) in some manner not disclosed in Patton. It is old and well known in the art to moved treatment fluid by pumps and conduits. It is the examiner's position that if desired, to employ a pump in Patton, it would have been obvious to one having ordinary skill to do so as taught by either Weber of Chaikin, for the purpose of positively transferring fluid. The fluid would not naturally flow in a countercurrent manner as required by Patton and means must obviously be provided. Re claim 17, Patton discloses the denim fabric and the treatment

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liquid and the solvent and/or reducing agent. Re claim 18, Patton discloses the treatment fluid being passed from the second vat to the first vat in countercurrent movement. Re claim 19, Patton discloses the plurality of bags. Re claims 20 and 24, Patton discloses the moving of the bag in a first vat containing a solvent/reducing agent, moving the bag across a drainage platform and the moving of the bag into a second vat. Re claims 21 26, 31, 34 and 35, Patton discloses the denim, bleaching agent reducing agent, and solvent. Re claims 22 and 27, Patton discloses the countercurrent flow. Re claims 23, 28 and 33, Patton discloses the plurality of bags moved in sequence down first and second vats. Re claims 27 and 32, Patton discloses the countercurrent flow. Re claim 6, Patton discloses the dyes, chemicals and/or reagents that can be added.

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 16 above, and further in view of Traut et al. (U. S. Pat. 6,090,157).

Claim 29 defines over Patton only in the recitation of the airtight cover. Traut is cited disclosing in process for treating material where there is provided a vat with an airtight cover. It therefore would have been obvious to one having ordinary skill in the art to modify the process of Patton to include the providing of an airtight cover as taught by Traut, for the purpose of preventing oxidation of the treatment fluid as is common in the art.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 16 above, and further in view of view of Hendrix et al. (U. S. Pat. No. 6,615,620).

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Claim 37 defines over Patton only in the recitation of the specific ingredients as claimed. Hendrix is cited disclosing in a fluid treatment process, the arrangement of providing the ingredients as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Patton, to employ the ingredient as taught by Hendrix, since this is clearly dependent upon the type of treatment being carried out.

5. Applicant's arguments with respect to claims 6 and 16-37 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fls

  
FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746